



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 27, 2009, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:03 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilwoman Jennifer Ator
Councilman Daniel Espino
Councilman George V. Lob

Also Present:

Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director Leacroft E. Robinson
Comptroller Alicia E. González
Golf Director Michael W. Aldridge
Golf Superintendent Sandy Pell
Arborist Thomas Nash
City Clerk Magalí Valls

2. Invocation: Vice Mayor Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificates of Appreciation to Former Council Members: Paul C. Dotson, Xavier Garcia and Rob Youngs

Mayor Bain stated that it was an honor and a privilege to present these plaques to the outgoing Council members.

Mayor Bain presented a Certificate of Appreciation plaque to Paul C. Dotson in recognition of his dedication and service to the community as Councilman from May 2005 to April 2009.

Former Councilman Dotson quoted from Saint Paul, saying that he fought the good fight, kept the faith and finished the race. A resident told him that she voted for him because she felt he was an honest man and that was one of the most moving moments during his campaign.

Mr. Dotson commented that he was given many unflattering and negative labels during the campaign which were not true. He was also personally attacked at a Council meeting in March, and was concerned that the name calling and negativity is becoming a trend. He felt that the City needs to work harder to get back to a more civil basis and to rely more on facts, information and logic. During his tenure on Council he was not affiliated with any special interest groups and all his decisions were made using his own logic, information, intelligence and conscience.

Mr. Dotson stated that it was an honor to serve the residents of the City. He congratulated the new Council members and wished them well.

Mayor Bain presented a Certificate of Appreciation plaque to Xavier Garcia in recognition of his dedication and service to the community as Councilman from April 2005 to April 2009.

Former Councilman Garcia thanked Council and the Administration for recognizing the outgoing council members. He stated that he appreciated the residents that gave him the opportunity to serve the community. He will continue to serve in an unofficial capacity through his public service projects.

Mayor Bain presented a Certificate of Appreciation plaque to Rob Youngs in recognition of his dedication and service to the community as Councilman from April 2001 to April 2009.

Former Councilman Rob Youngs thanked the residents for allowing him the honor and privilege to serve them. He congratulated the new council members and wished them the best.

3B) Presentation from the Miami-Dade County Library System Regarding Construction Progress

Mr. Jose Camero from the Miami-Dade County Government Services Administration (GSA) stated that the GSA is responsible for the design and construction of the library. He presented the renderings that were shown to Council previously, and said that they hope to complete the project by the end of summer and to re-open in October. He explained that it takes about two months to finish and restock the interior of the library.

At the Mayor's request, Mr. Camero displayed the rendering to the audience, and advised that the windows are scheduled to be installed within the next week.

In response to Councilwoman Ator's question, Mr. Camero said that he was not aware if the plans could be viewed online, but he could post them at the temporary library site so they would be available if anyone wanted to look at them.

David Samuels, Branch Manager for the Miami Springs Library, stated that he would be glad to display the plans at the library.

Mr. Camero advised that he would leave the poster of the architectural rendering with Council, and he would provide a clean copy of the plans for display.

Mr. José Fuentes from the Wren Group congratulated the Mayor and the new council members. He said that he knew they would work as hard as their predecessors did and he was looking forward to a continued positive relationship.

Mr. Fuentes stated that the news from the Florida Legislature is not all that positive and the Legislature has not moved forward on the budget process. The concern is that there could be an extended session, or they could go to a special session in a month or so. He gave the City Clerk a copy of the Legislative update and information on bills that could impact the City.

Mr. Fuentes said that he was returning to Tallahassee the next day and would find out the status of the budget. He emphasized that it is a very difficult process, and there had been cuts in funding for transportation projects as well as other areas.

Vice Mayor Best asked Mr. Fuentes for his opinion on how the education funds will be distributed among the various counties according to their respective sizes.

Mr. Fuentes replied that one good thing that has come out of this budgetary process and the difficulty the State is having with the shortfalls is that through the American Recovery Act they have \$1.5BB in additional revenues to get the State through the next fiscal year. He said that the Dade Delegation had worked together to limit the cuts for Dade County Public Schools for this fiscal year, though it will still be a challenge between the large and small counties. He felt that the fact that nothing is being decided now might be a positive aspect because the matter might go to conference.

Vice Mayor Best asked how Mr. Fuentes saw the issue of the commercial tax versus how it will affect the county or the municipalities' control over it.

Mr. Fuentes responded that the commercial tax was another challenging issue, which is similar to the cigarette tax. He believes that the estimated revenue from a cigarette tax would be \$420MM. This amount may sound like a lot of money, but in reality it is nothing when there is a shortfall of \$6BB.

Mr. Fuentes said that the State is in a very difficult position and the Senate is different from the House because there are 40 members of the Senate compared to 120 in the House. The budgets are very different because the districts are much smaller. They are hoping that the House decides a lot of the budget versus the Senate because that would be more positive for cities like Miami Springs in this fiscal crisis. If there is a special session, he would recommend that a delegation of members from the City Council meet with members of its delegation, the State Representative and Senator, if the opportunity presents itself.

Councilman Espino noted that every time the City Administration talks to an elected official or the Senator to inquire about stimulus money and the procedures to acquire funds for different projects, the usual answer is that 'we don't really know' or 'we are not really sure' how to get stimulus money. He asked if the procedures were becoming more concrete and if Mr. Fuentes had any idea how to get the stimulus money allocated to certain projects. He is aware that there were funds available for certain projects like the new community center, Curtiss Mansion and the senior center, but he would like to know if funds are available outside of the Florida budget.

Mr. Fuentes replied that there is a complete process, and he invited the Council members to review the American Recovery Act. He noted that it is well-defined within the Bill as to how the money flows into the state budget and how the state money flows out into the local municipalities. The intent of the Bill is to help the counties and the local municipalities.

Mr. Fuentes said that there had been some discussion in regards to the Metropolitan Planning Organization (MPO) about transportation issues. The process was included in the Bill so that the MPO has better control and the funds are distributed in a better manner. Overall, the language is very well stated; for example, within the Bill there is a section dealing with wastewater and stormwater, which is the Storm Water Revolving Fund (SRF). It allows for \$300MM in the State of Florida, of which half is appropriated for non-loan types of situations. The other portion is negotiated on a loan basis and the interest rate is about two-points through an application process. The process is in place, but it is unknown how long it will take and in this case the money may be in stimulus or R-1 and it might end up after R-2 is developed.

Councilwoman Ator stated that she had visited the website and it was her understanding that the federal government was going to provide lists of where the money was going. She asked if those lists were available as she has had trouble finding them. She asked if Mr. Fuentes could point her in the right direction.

Mr. Fuentes advised that he could help her with the links to the federal government lists. He explained that most of his time had been focused on the State of Florida; the State has a lot of lists within each of the departments where the funds are appropriated from.

Councilwoman Ator explained that she had approached the search by looking at the state on the map, and could not find what she was looking for.

Mr. Fuentes stated that the site carries so many different programs and so many permitting processes that it is hard to add the links and make them stand out.

Mayor Bain thanked Mr. Fuentes for his presentation.

4. Open Forum:

No one wished to speak.

5. Approval of Council Minutes: (approved with one motion)

5A) 04/13/2009 – Special Meeting

Minutes of the April 13, 2009 Special Meeting were approved as written.

Councilman Espino moved to approve the minutes as written. Vice Mayor Best seconded the motion, which was unanimously carried on voice vote.

5B) 04/13/2009 – Regular Meeting

Minutes of the April 13, 2009 Regular Meeting were approved as written.

Councilman Espino moved to approve the minutes as written. Vice Mayor Best seconded the motion, which was unanimously carried on voice vote.

6. Reports from Boards & Commissions:

6A) 03/24/2009 – Ecology Board – Minutes

Minutes of the March 24, 2009 Ecology Board meeting were received for information without comment.

6B) 04/16/2009 – Historic Preservation Board – Minutes

Minutes of the April 16, 2009 Historic Preservation Board meeting were received for information without comment.

6C) 04/23/2009 – Code Review Board – Cancellation Notice

Cancellation Notice of the April 23, 2009 Code Review Board meeting was received for information without comment.

6D) 05/04/2009 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the May 4, 2009 Zoning and Planning Board meeting was received for information without comment.

7. Public Hearings:

7A) Public Hearing – 2009 Byrne Grant Application in the Amount of \$21,701.00

Assistant City Manager Gorland read the middle paragraph from Chief of Police Pete Baan's memo to the City Manager:

“If the grant application is approved, the Miami Springs Police Department intends to utilize the funds to deploy a proactive crime prevention task force on an overtime basis. The task force will consist of a team of undercover police officers in rental vehicles. These officers will survey specific areas affected by crime trends and take proactive steps to deter those crimes. Strategies for deterrence include surveillance, traffic stops, field interviews of suspects and arrests if appropriate. The primary focus is to prevent the crimes from occurring and apprehend violators.”

Chief Baan noted that this funding comes from the American Recovery and Reinvestment Act of 2009 via the Department of Justice. Prior to this, the Police Department also applied for a grant to hire two police officers.

Vice Mayor Best mentioned that the possibility of two more police positions was brought up at a previous meeting. He asked how much money was available from the Recovery Act package.

Chief Baan replied that this particular program is a little over \$20,000. The three-year program to hire two full-time entry level police officers is worth \$500,000. This public hearing is part of the application requirements for the grant.

Mayor Bain opened the public hearing. There were no persons wishing to speak and the public hearing was closed.

Councilman Lob moved the item. Councilman Espino seconded the motion.

City Attorney Seiden mentioned for the record that the grant did not require matching cash from the City.

Chief Baan noted that the item was approved at a previous meeting and this was strictly a public hearing.

The motion passed 5-0 on roll call vote.

8. Consent Agenda:

None.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

Vice Mayor Best (Group I) **re-appointed** Kevin Berounsky to the Board of Adjustment/Zoning and Planning Board for a full 3-year term ending on April 30, 2012.

Mayor Bain **re-appointed** Connie Kostyra to the Code Review Board for a full 3-year term ending on April 30, 2012.

Vice Mayor Best moved to approve the appointment since the Board member had exceeded the maximum three consecutive terms. Councilman Lob seconded the motion which was unanimously carried on roll call vote.

Vice Mayor Best (Group I) **re-appointed** W. Gordon Meyers to the Code Review Board for a full 3-year term ending on April 30, 2012.

Vice Mayor Best (Group I) **re-appointed** Martin Crossland to the Ecology Board for a full 3-year term ending on April 30, 2012.

Mayor Bain **re-appointed** Eric Richey to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2012.

Councilwoman Ator moved to approve the appointment since the Board member had exceeded the maximum three consecutive terms. Councilman Lob seconded the motion which was unanimously carried on roll call vote.

Vice Mayor Best (Group I) **re-appointed** Tammy K. Johnston to the Board of Parks and Parkways for a full 3-year term ending on April 30, 2012.

Vice Mayor Best (Group I) **re-appointed** John Shapiro to the Recreation Commission for a full 3-year term ending on April 30, 2012.

9B) Discussion of a Request from the Jiménez Group of Miami to Open a Pawn Shop at 901 South Royal Poinciana Boulevard in the Airport, Highway, Marine Business District

Assistant City Manager Gorland explained that the Administration received a letter from the Jiménez Group of Miami requesting to open a pawn shop business at 901 S. Royal Poinciana Boulevard in the Airport Highway Marine Business District (AHMBD). The building is the former Firehouse Barbeque restaurant.

Assistant City Manager Gorland stated that pawn shops are currently a prohibited use anywhere in the City of Miami Springs. As described in the attached request, the Jiménez Group currently operates more than 40 stores in three countries and has been in business for more than 45 years. The proposed location is currently a vacant structure. Staff makes no recommendations concerning the Jiménez Group's request to open a pawn shop business at this time, but would prefer that they be allowed to make their presentation to Council. It should be noted that a pawn shop is not exactly the type of use the City has envisioned for this portion of the Airport District along N. W. 36th Street as the City is in the process of amending the Comprehensive Plan.

City Attorney Seiden advised that the City Clerk was asked to distribute copies of the Code pertaining to the AHMBD for reference. Section 150-155 lists the principal uses and structures permitted. Subsection 23 states: *"Other enterprises or businesses which are similar to enterprises or businesses enumerated herein, which have been approved by the City Council upon application and hearing"*. He explained that a pawn shop is a prohibited use under Section 150-156, but an Applicant is allowed to present their case before Council; if Council feels that the establishment qualifies as a "similar use" establishment as specified in the Code, the Ordinance can be amended before a license can be issued.

In response to Councilwoman Ator's question, City Attorney Seiden reiterated that the Applicant is allowed to petition Council; a decision can be made after the presentation tonight or at a later time. If Council decides to amend the Ordinance, the item will first be advertised as a public hearing, following standard procedures.

Jerry Whitehead from the Pawnshop Consulting Group stated that he had been working with the Jiménez Group for a number of years. He hoped that his PowerPoint presentation would be able to clear up any misnomers or perceptions that Council might have about the industry.

Mr. Whitehead began with a history of the industry, explaining that in today's society many people depend on the industry to meet their daily financial needs. In the current economical environment, many more people are strained and they have seen an increase in people who need their services. The loans are typically small and used to keep the electricity on, rents paid and cars full of gas.

Mr. Whitehead explained that the industry itself had been faced with image issues for many years and today's stores are very well lit, attractive, and welcome places to do business. Many of them are also small "mom and pop" businesses that offer great customer services.

Mr. Whitehead stated that 25 years ago Cash America made its entry into the public arena as one of the first publicly traded companies and today they operate more than 600 stores on two continents with a market capital of about \$1BB. The industry works very closely with law enforcement to help ensure the safety of pawn customers and their property. In addition, the industry is also highly regulated with many federal, state and local rules and regulations.

Mr. Whitehead said that the pawn shop practice has been around for several thousand years, and can be traced back into ancient Chinese, Greek and Roman civilizations. It has been rumored that Queen Isabella hocked her jewels to fund the expedition to the New World. He noted that pawn customers are predominately working class citizens with jobs in hospitals, home construction, auto repair and a variety of other occupations. These people have dreams and want better lives for their children and a stronger sense of security, but many are pressed with unforeseen bills or expenses. The industry offers an alternative to provide small short-term secured cash loans. A study by the Consumer Federation of America found that more than 50% of Americans in this country are living paycheck to paycheck and they are very limited when it comes to financial alternatives. Most of the banks will not finance any kind of small consumer loans, and the typical secured pawn loan is about \$75.00 on average.

Mr. Whitehead explained that the process is simple. People come in and pledge their property as collateral, and in return they receive a loan for it. When the loan is repaid along with a small service charge, the merchandise is returned to them. Loans can be made on anything from jewelry to electronics, sound equipment, tools, etc. If the customer elects not to redeem their items, the items are forfeited and the owner/operator of the store will put the items up for sale to retail consumers. Most people do not want to get rid of their items, but need a short term loan. The typical contract loan runs about 30 days, with a 30-day extension available in most states and applicable fees and allowable interest rates are set by the individual states.

Mr. Whitehead said that State laws also prescribe what information is required from the consumer when entering into a pawn transaction, which is typically a name and address, date of birth, gender, ethnicity and a government issued form of personal identification. The date and time of the transaction is also recorded, and the State of Florida additionally requires a thumb print on the contract. A description of the collateral, including any available serial numbers and identifying markings is also required, which are typically downloaded daily to various law enforcement agencies.

Mr. Whitehead continued to explain that pawn customers are primarily middle class consumers who need short term credit. In reality, a short term pawn loan is less than what other institutions charge for non-sufficient fund fees or bounced checks, late credit card fees, etc.

Statistics on the average pawn customer compiled from the National Pawnbroker's Association (NPA) include:

- Average customer age is 36
- Dual income households that meet or exceed \$29,000 annual income
- 80% are employed
- 82% have high school diplomas, GED or equivalent
- One third are homeowners
- All ethnicities participate
- Small business owners are seeking these services in increasing numbers due to the current economic situation and frozen lending practices

For clarification, Mr. Whitehead reiterated that his is a highly regulated industry; there is a whole litany of federal laws that must be adhered to, as well as local state, county and city regulations. Some of the other regulations that must be adhered to include:

- United States Patriot Act
- Truth in Lending Act
- Bank Secrecy Act and IRS regulations requiring reporting certain cash transactions, typically those that exceed \$10,000 in a period of 48 hours
- Trading with the Enemy Act and related executive orders and regulations
- Privacy provisions of the Gramm-Leach Bliley Financial Services Modernization Act

In regards to Miami Springs, Mr. Whitehead noted that they were proposing a business opportunity for the community. It would help to create jobs, tax revenue and help clean up some of the deteriorating vacated properties within the community. They would assist in deterring criminal activity in the community because of the proactive inter-relations with law enforcement and other agencies. They would be providing alternative financial assistance in today's declining economic environment, and also create an alternative retail environment for the community. He said that people that have money are tending to spend it a little more wisely and a pawn shop offers an alternative retail operation.

Mr. Whitehead presented a list of frequently asked questions:

1. *Do pawn customers enjoy the same protections under federal law that customers of other financial institutions enjoy?* The answer is no: Pawn transactions are actually the only type of consumer credit that requires recording to local law enforcement agencies. In many states this recording is required daily and must include all personal information about the consumer along with the presentation of a government agency issued type of identification. Much of this information qualifies as non-public information under federal privacy laws and is entitled to protection as such.
2. *Why would someone come to us for a loan?* We offer a quick, convenient, confidential way to borrow money. Short term cash loans can be made with no credit check and very little credit consequence in the event they do not come after their items.

3. *Are the rates excessive?* Here again this is something they are challenged with as an industry. If you looked at some of the fees that the banks charge and compile those on an annualized basis, in most cases they are much more excessive than what pawn shop fees are. And a typical pawn loan is only about a 30-day transaction. The collateral has to be tested and examined; data entered into the computer and downloaded to local law enforcement, secured and insured and presented back in the same condition it was presented. A typical loan of \$75 does not generate an extreme amount of profit; most of that comes from volume.
4. *Do most customers lose their merchandise?* As quoted by the NPA, about 80% of all the loans written across the country are redeemed or picked up. The bottom line is that the shop does not want to own the merchandise; they are in the business to loan money. In the event a customer does not come back for the merchandise, the item is forfeited and put up for sale to recoup the investment the shop made, hopefully at a small profit.
5. *How can I determine that the stuff is not stolen?* As stated by the NPA and a number of law enforcement agencies across the country, less than one-half of one percent of all merchandise presented is identified as property with a disposition issue. Customers must provide a positive ID and a complete description of the merchandise goes on all transaction forms; and in the state of Florida, most stores have video systems and they have to present a thumb print. Most career criminals do not visit pawn shops because they know they will get arrested. Criminals can use e-bay, classified ads, flea markets, garage sales and antique shops among other options.
6. *Does the general public have a correct or even a fair image of a pawn store?* The biggest problem the industry is faced with remains image. In today's modern pawn operations there are some beautiful stores. His family has been in the industry for over 40 years; the stores are clean, nice and well-lit, beautiful. They are computerized and a lot of the new products are guaranteed. They take pride in the fact they are in a niche industry that has had an image issue for a long time; but they have transformed themselves in the last 20-25 years.

Mr. Whitehead concluded his presentation by saying that Ms. Adriana Jiménez would be speaking on behalf of her family. He has worked with the family for several years and they run a beautiful operation, with several stores in several countries, Latin America and the United States. He thanked the Council for the opportunity to make his presentation.

Ms. Adriana Jiménez stated that she is a third-generation pawn broker. She related the experience of being asked her family's occupation while in a high school economic class; at the time she was embarrassed and ashamed because of the stereotypical image of pawn broking. Now she feels honored and privileged to represent the industry. She particularly wanted to honor her father who instilled the values of honesty and integrity as her biggest role model in life.

Ms. Jiménez noted that her family started business 45 years ago in Latin America as a mom and pop operation and it gradually expanded until they were given the opportunity to come to the United States more than 20 years ago. They are now the first International Organization of Standardization (ISO) certified pawn shop in the world. She explained that Quality Management is a certification that determines that an organization is seeking to provide excellent customer service. They are audited every year and are among the only 25,000 companies in the United States that are so certified. They currently employ over 300 people in Latin America, the United States and other countries.

Following a passage in the Old Testament that refers to “Cities of Refuge” the company promotes addiction centers to help families who have been plagued by addictions in their lives, according to Ms. Jiménez. They give charitable contributions to organizations such as the Police Benevolent Fund, and groups that fight autism and cancer. The company understands that wherever they do business, they need to bless the community.

Ms. Jiménez presented an artistic rendering for the proposed “LeJeune Jewelry and Exchange”. She continued to say that families are struggling and having financial difficulties because of two primary reasons and the first is a lack of income. Jobs and overtime hours are being lost and traditional wages are stagnant. The other reason is unexpected expenses; for example, nobody budgets for medical problems, and without insurance people cannot afford to pay for a hospital stay. LeJeune Jewelry and Exchange will be a place for people who are willing, but unable to pay their bills to have a way out.

Ms. Jiménez asked Council to consider, as elected officials, that each of them plays a role in maintaining the integrity and the honesty of this beautiful City. She wanted to remind them of this because often decisions are made based on preconceptions or ideas that were held before the facts were presented. She is asking to consider the economic reality for the City and the State of Florida and how they can determine what type of businesses can benefit their community.

Ms. Jiménez asked Council to put away any misconceptions they may have had in the past about this industry, and base their decision upon what they have heard tonight and what the community has to say in the following weeks. She thanked Council for allowing the time to address them with their presentation.

Councilwoman Ator asked if the stores that the company operated were family owned or franchised.

Mr. Whitehead replied that all of the stores are owned and operated by family members, including aunts, uncles, cousins, brothers, etc., and have been for more than 45 years.

Councilwoman Ator asked if there was any type of merchandise that was not accepted other than stolen goods.

Mr. Whitehead said that the Miami operations of the Jiménez Group try to cater to high end goods, which is a little unusual for a typical pawn shop operation. They do not accept lawn mowers and similar items and jewelry is the primary item for collateral.

In response to Mayor Bain's question, Mr. Whitehead stated that they do not accept firearms at all; they do not take them or sell them in any of their operations.

In response to Councilwoman Ator's question, Mr. Whitehead said that they do not download thumb prints; most law enforcement agencies are not set up to receive that type of encrypted data. Typically they just download the property information itself along with the customer information. This varies from jurisdiction to jurisdiction within the State of Florida. Also, under federal law they are required to download daily into the national data base that tracks financial terrorists.

Vice Mayor Best asked the location of some of the group's stores in south Florida. He also asked Mr. Whitehead to elaborate on any interaction they have with law enforcement agencies outside of the reporting practices.

Mr. Whitehead replied that they have two locations on Second Avenue and one downtown at 200 North Miami Boulevard. He noted that many law enforcement agencies that are active with businesses in their community take a proactive role with pawn shops themselves. When he owned stores in Broward County he was very active with the Broward Sheriff's Office (BSO). There were times when the BSO contacted them when they were looking for certain people or certain types of items and if those items were brought in they were the first to contact the BSO.

Mr. Whitehead said that law enforcement looks at this as an opportunity to help deter crime and small time criminals will sometimes try to use pawn shops, but the career criminals do not. Pawn shops are a viable alternative to assist law enforcement in local communities because of the way they are regulated and the types of information they supply often leads to criminal convictions. They take a proactive role with law enforcement and enjoy that role.

Vice Mayor Best commented that with over 40 stores, it was obvious that they had established a business plan for the location they were considering in Miami Springs. He asked what 'niche' they identified for the City that made them feel a store would be profitable.

Mr. Whitehead replied that they look for a slightly different demographic area than some of those in the industry; they tend to target more of a higher income area than the lower end of the spectrum. The demographic profile of this location, with traffic density and population really fits their ideal model.

Vice Mayor Best thanked Mr. Whitehead for his presentation.

Councilman Lob asked if there were typically any problems in the stores, other than calling law enforcement regarding stolen goods.

Mr. Whitehead said that it would vary from operator to operator and most of it depends on the community. Unfortunately, there are some bad operators, just like there are bad police officers and bad doctors. He was happy to report that the trend over the past 30 years has been towards image and operating with some sort of ethical guidance. It also depends on the community and some law enforcement departments work beautifully with pawn shops, while some counties and communities do not care for them so there is friction. Most of the operators are extremely ethical and run clean and good businesses.

Councilwoman Ator asked Mr. Whitehead if he would be running the operation.

Mr. Whitehead stated that he has owned and operated stores for more than 35 years, but sold his stores and began consulting on a full time basis. He also served on the Board of Directors for the National Pawnbrokers Association for 18 years. He reiterated that most operators work very closely with law enforcement and do everything they can to help deter criminal activity in any of their communities. The Jiménez family also operates under the same concepts.

In response to questions by Councilwoman Ator and Councilman Espino, Mr. Whitehead said that the Jiménez family maintains onsite security during operating hours; there are security systems with video feedback, holdup security alarms, etc. in addition to armed security officers patrolling the locations. The Jiménez Group has one officer that rotates among the three stores here in south Florida.

Councilwoman Ator asked the locations of the two other stores in south Florida, in addition to the one at 200 North Miami Avenue.

Mr. Whitehead responded that the other addresses were 3033 N. E. Second Avenue and the 2900 block of N. E. Second Avenue, which are within blocks of each other.

Mayor Bain said that he would like photographs of the three existing stores and copies of the reports from any problems that have occurred at those locations before he makes a decision.

City Attorney Seiden asked for clarification on the locations of the other stores. He asked if they were planning to renovate the building, since it looked different in the rendering that was shown.

Ms. Jiménez said that their architect looked at the building and advised them that it did not need much structural work, and some work on the building is planned as shown in the artist's rendering.

City Attorney Seiden asked if there were security separations inside the store in addition to the security guard or if it was an open area like a typical jewelry store.

Ms. Jiménez replied that it depended on the facility; they wanted to make this facility comfortable for the community while providing safety. She cited Mayor's Jewelers as an example of a store where customers feel it is an open and safe environment, but behind the scenes there are security measures that have been taken. There is a vault and other rooms where the assets are kept, and they would have a similar setup at this location.

City Attorney Seiden said he wanted to be more specific because of the image concerns that the community might have. The perception is of someone sitting behind a heavy glassed-in area, and that would be the person you would have to deal with. The rendering seems to be more like a normal jewelry store. He asked which presentation the store would have.

Ms. Jiménez replied that it would look more like a Mayor's Jewelers.

City Attorney Seiden asked if the City were to consider adding this type of business as a use to the Ordinance and requires a guard on duty at all times as a condition of that approval, if they would accommodate the request.

Ms. Jiménez replied that they would comply with the condition.

In response to Councilman Espino's question, Ms. Jiménez said that the proposed hours of operation would be from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday.

Mr. Whitehead added that they would use off-duty police officers from Miami Springs for security.

Vice Mayor Best noted that the Jiménez Group might have the most beautiful shops in the world, but his concern is that if the usage were to change and this business is allowed to open, it could open the doors for other pawn shops to have access to other locations that might be available in that district.

City Attorney Seiden reminded everyone that there are three sub-districts within that area. If Council approved the use in that particular sub-district they could attach as many conditions as they would like.

Vice Mayor Best questioned whether or not the facility would be useful for the residents of the City, and wondered where they would go from here.

Assistant City Manager Gorland suggested that Police Chief Baan ask some questions and give his opinion.

Councilman Espino echoed Vice Mayor Best's concern of setting a precedent. He noted that the prohibited uses that were set in Section 150-156 were the result of a painstaking process made through several workshops. Council went through every item on the prohibited list and looked at them as single entities and a blanket allowance in each particular area. He said that it has been his experience that if one pawn shop is allowed at a location that several more will follow.

Councilman Espino felt that it would be unfair to allow one and then to create parameters for which others would be permitted or denied. He is extremely pro-business and interested in developing that corner of the City, which has seen many failed businesses, but he has to ask himself why prior Councils took so much time and effort to debate the issue of prohibited uses and also make the distinction of what types of business would be allowed in each specific sub-district.

Councilman Espino stated that if annexation occurs, those annexed areas would be the perfect place to have some of the so-called “less desirable” designations of business. He made it clear that he was not knocking the Jiménez Group in particular, but the perception is that a pawn shop does not belong in a family oriented area, regardless of the service it provides in these hard economic times. He pointed out that the economy may change and pick up, but the designation will remain until a future Council rescinds it or keeps going forward. He felt those were the parameters in which they needed to base their decisions, and he personally would not like to see a line of pawn shops down 36th Street.

Councilman Lob said that he did not believe they should make a decision at this time; he wanted time to talk to the residents. He would also like to see pictures of the Jiménez Group’s shops. He agreed that this may set a bad precedent, and reiterated that he would like more time to consider the proposal before making a decision.

Councilwoman Ator said that she is also interested in getting additional information and would also like to hear Chief Baan’s opinion at some point. As for Council making an exclusion based on what is contained in the Ordinance, she said there is a history of the City Councils making those changes. Generally speaking, she is opposed to doing that for some of the reasons that have already been mentioned.

Mayor Bain asked the City Attorney if it was possible to limit the number of pawn shops within a specific area, similar to what was done with the number of coin laundry establishments allowed in the downtown area. He wanted to see the additional information that he requested and he also wanted Chief Baan’s opinion.

In response to Councilwoman Ator’s question, City Attorney Seiden explained that any change Council makes to an ordinance has to be based on reasonableness; there has to be some basis for whatever they enact. If the ordinance was going to be limited or restricted in some way they would have to find some basis to put in the record to justify the decision. The proliferation of pawn shops may be in itself a good reason, but they should find additional reasons.

Mayor Bain said that he was more interested in changing the zoning in the Ordinance and setting certain conditions.

City Attorney Seiden said that they would have to change the ordinance anyway. He was unable to find the reference regarding the coin laundries at the moment, and he would research the language that was used. He thought it might be the only instance.

Vice Mayor Best pointed out that they also made an exception for the funeral home.

Mayor Bain asked Chief Baan if he had anything to say on the subject.

Chief of Police Baan stated that the pawn shop industry in the State of Florida is closely regulated by Florida Statute 538, which contains all kinds of parameters. Pawn shops are required to keep their records up to date and make daily reports to law enforcement. Unless there is an agreement otherwise, they would need to file a report for any second hand property that is sold in the store.

Chief Baan explained that most jurisdictions that allow pawn shops have a dedicated pawn shop unit that inspects the stores and law enforcement must be allowed in the store at any time during business hours to inspect the merchandise and the records as part of the Statute. If this is allowed, it will increase the workload for the Police Department, whether it is a perfectly clean operation or not.

In response to Councilman Espino's question, Chief Baan said that it would be difficult to quantify the time and cost to the Department. He has never dealt with a pawn shop that is associated with the Jiménez family; he has no idea of what type of operation they run, but he was aware that there are significant problems with some pawn shops in Dade County.

In response to Mayor Bain's question, Chief Baan said that he did not know how often his Department would have to inspect the premises since they have never had to do it before. He believed the pawn shop in Hialeah and Miami-Dade are inspected more often than once a month, but he would have to obtain the information for Council. He stated that his Department has had to deal with pawn shops many times in recovering stolen property, and a significant portion of the stolen property that they do recover is found in pawn shops, whether it is with or without the cooperation of the store owners.

Chief of Police Baan pointed out that Mr. Whitehead mentioned that they plan to deal primarily in consumer electronics and jewelry and those are the items that are most commonly taken in burglaries in Miami Springs. He does not agree that e-bay and flea markets are good avenues for criminals to dispose of stolen property. It has been his experience that they steal something and want to get rid of it quickly.

Councilwoman Ator asked Chief Baan if they had been able to catch the offenders when they recovered stolen property from pawn shops.

Chief Baan responded that if stolen property is recovered the information collected does help to make an arrest. He noted that few people keep track of the serial numbers on the electronics they buy, so that makes tracking property difficult. He explained that the Department has been notified by various pawn shop owners that they had received stolen property on various occasions, and they were able to reunite the owners with their belongings. That information depends on the integrity of the shop owners. He reiterated that he has had no dealings with the Jiménez Group.

In response to Vice Mayor Best's question, Chief Baan replied that a legitimately run pawn shop could assist law enforcement to a certain extent. On occasion, they will come across stolen property with a serial number and contact law enforcement. Unwittingly, by the nature of the business, they will take in stolen property. He noted there are no serial numbers on jewelry and that it would be accepted with whatever story accompanies it. However, they do collect the information by law from whoever presents the item.

City Attorney Seiden confirmed that the Central Business District was restricted to two coin laundry operations. He said that the usage was discussed and justified by the water usage and traffic flow. As long as Council could come up with justification for doing so, a pawn shop could be restricted to one location. He pointed out that there is no category within the business tax section for pawn shops and if the business was approved, the occupational license could be set high enough to justify the costs for police service.

Mayor Bain pointed out that the funeral home was not a prohibited use for its area.

City Attorney Seiden clarified that the funeral home was not an enumerated use. He thought this might be the first time Council was asked to convert from a prohibited use to a permanent use.

Councilwoman Ator said that she was aware that another proposal for the funeral home had been scheduled for an earlier meeting and cancelled. She asked if the neighbors in the vicinity of the proposed pawn shop had been contacted regarding the request.

Assistant City Manager Gorland replied that they had not, to the best of his knowledge.

Chief Baan added that it would depend on the operation in question with regards as to how much extra work it would create for his department. If they are running a nice clean operation it would require a minimum of time, but if they started to experience problems it could become quite cumbersome.

Councilwoman Ator recalled that the City Planner did not recommend approval for this use in his initial memo.

City Attorney Seiden believed that the City Planner made no recommendation at that time. He asked that copies of the occupational licenses from the other locations be included as part of the information to be presented to Council for further consideration.

Mayor Bain reiterated that the additional information will be collected and presented for evaluation. The item may be discussed again on the next agenda if possible.

Councilman Lob asked if Chief Baan would try to quantify the man hours involved if the Police Department has to periodically inspect the business.

Chief Baan said that he would check with several neighboring communities that have dedicated units to get an idea of how much time they devote to the stores in those areas. He would also check with the departments that work with the Jiménez Group stores for their input.

Mayor Bain thanked the Jiménez Group and Mr. Whitehead for their presentation.

10. New Business:

10A) Resolution – A Resolution of the City Council of the City of Miami Springs Establishing the Days and Times for Regular City Council Meetings; Providing an Effective Date and the Continuing Authority of this Resolution

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that the resolution was prepared after the last Council meeting when it was discussed that Council would consider changing the regular meeting nights from Mondays to Tuesdays.

Tom Curtis of the River Cities Gazette, 45 Curtiss Parkway, said that he was surprised to see this item on the agenda because it had been a tradition in Miami Springs for 50 years to hold Council meetings on the second and fourth Mondays of every month. He explained that when he started publishing the River Cities Gazette on a weekly basis in 1986, one of the factors he took into consideration was when the City Council met. His deadlines are predicated upon these meetings and he felt it would be a disservice to the residents by limiting the coverage if they were moved to Tuesday nights.

Mr. Curtis explained that it would be difficult to present a complete report of a Council meeting when his deadline is 7:00 p.m. on a Tuesday night. He understands the desire for more time to read the information contained in the Council packets, but his suggestion would be for Staff to prepare the packets earlier, which would have the same effect. He pointed out that there were not that many Monday holidays that affected meetings and of the five during the year, only two corresponded to the second and fourth Monday of any month.

Mr. Curtis felt that his publication served an important purpose in Miami Springs because of the focus on the major items concerning the City and the news items and information that come out of the Council meetings are important for the residents to be informed of as quickly as possible. He encouraged Council to continue to meet on Monday nights.

Mayor Bain commented that he requested this item to be placed on the agenda. He had suggested changing the meetings to Wednesday nights in the past but it was not approved. He is bringing the item up again for several reasons, one of which is the amount of information that Council members need to absorb before each meeting.

Mayor Bain pointed out that Virginia Gardens holds its meeting on Thursday nights, and the River Cities Gazette is able to provide a full report by the following Wednesday. He wondered if reading a full report on a Council meeting the following week would keep the residents more interested in the next meeting instead of having to wait two weeks. His intent is to make it easier for Council and management to function, and he would still expect the packets to be prepared and distributed on Thursdays.

Councilwoman Ator hoped that the River Cities Gazette would continue to cover the Council meetings in depth as they do for Virginia Gardens, but her concern was that if the information was published the following week the residents would not be receiving it from an accountable source and in a timely manner. So much information is distributed by technology; it is out there quickly but may not be as accurate. She felt that Tuesday might be better for her personally, but she felt it was more important that the residents have the information as soon as possible.

Mayor Bain pointed out that the official delivery date of the paper is Thursday and the early edition is available on Wednesday. He is more concerned about what is better for Council than what is better for the paper as a business.

Mr. Curtis agreed that is how it should work in a perfect world; however, he has had issues with the post office.

Vice Mayor Best felt that several issues were involved and the paper that the residents receive on Thursday is the same edition that is hand delivered on Wednesday. In his opinion, the news is getting out to the residents in a timely manner. The Council packets are delivered almost religiously on the Thursday before the meeting and if there is an addendum, it is usually delivered on Friday or Saturday, and rarely on Monday. He has a full time job and has no problem reading and digesting the material prior to a meeting. As a creature of habit, he is locked on the second and fourth Monday nights for Council meetings.

Councilman Espino asked to consider if there would be any other benefits to moving the meetings to Tuesday or any other nights.

Councilman Lob said that he personally would like an extra day to review the information, but not if it meant that the residents would experience a delay in getting a report on the meeting; he understands about printing deadlines. He suggested that the packets be prepared earlier so that he has the opportunity to ask questions or meet with the City Manager if he needs to.

Councilman Lob moved the item for discussion. Councilman Espino seconded the motion which was denied on roll call vote with Mayor Bain casting the only affirmative vote.

(Five minute recess)

10B) Discussion of Possible Amendments to Code Section 150-005 – Alcoholic Beverages, to Limit the Authorized Use of COP Licenses to Consumption on Premises Only (Requested by Councilman Espino)

Councilman Espino reported that at the April 4, 2009 Board of Adjustment Meeting the Springs Seafood Restaurant applied for a 2-COP liquor license, which allows beer and wine to be served and consumed on the premises. At that time, the Chairman of the Board wanted to limit the sale of liquor to on-premises only and the current designation allows an establishment to also sell sealed containers for consumption off premises. Discussion ensued with the City Attorney as to whether the Board of Adjustment had the authority to request that limitation without changing the ordinance.

Mayor Bain asked if the change would prevent him from purchasing a bottle of wine at a restaurant to take home with him.

City Attorney Seiden explained that there are three types of licenses: 1-COP, 2-COP and 4-COP and all three allow the sale of liquor in sealed containers for consumption off premises. In the course of granting the 2-COP license during the Board of Adjustment meeting, the Chairman suggested limiting the opportunity to purchase alcoholic beverages for off premises consumption. After contacting the State Beverage Department, he was told that the state law does permit the limitation. As part of the variance process, the City requires the owner of an establishment requesting a liquor license to sign a covenant stating that at least 51% of its revenue is derived from the sale of food and the intent is to prevent a package store type of establishment.

City Attorney Seiden said that the question becomes whether Council wants to eliminate or restrict in some manner these liquor licenses to not permit sale of containers for consumption off premises.

In response to Mayor Bain's question, City Attorney Seiden said that a 7-11 store would probably have a 2-APS license which prohibits consumption on premises.

Councilwoman Ator confirmed that the City's ordinances are consistent with the state's regulations for liquor licenses.

Councilman Espino stated that he brought the item up for discussion because it might become an issue as the downtown area continues to develop and more restaurants open. Council does not have to act on the item.

Councilwoman Ator asked if there was anything in the Code that refers to the covenant that the City requires the Applicant to sign when granted a license.

City Attorney Seiden replied that the covenant is a requirement that has been historically imposed when granting the variance as a reasonable condition. It did not really need to be in the Code; the City could deny the license request if the Applicant refused to sign the covenant. He advised that Council could eliminate the language in the three sections that refer to "and in sealed containers" if they felt it was necessary.

Councilman Lob understood the desire to eliminate package stores. He asked if this was the only reason this issue came up.

Councilman Espino reiterated that Council does not have to take any action; the issue is that the Board of Adjustment cannot request the limitation if it is not in the Code.

Discussion ensued regarding the distinctions regarding the types of licenses and the purpose of the covenant.

City Attorney Seiden summarized the issue by saying that if Council wanted to restrict any restaurant from selling sealed containers for consumption off premises then the provisions need to be taken out of the ordinance.

Mayor Bain pointed out that it is cheaper to purchase liquor outside of a restaurant and unless there was a brand that was restricted to a certain establishment there was no incentive to purchase it to take home. He did not see where this would create a problem.

Vice Mayor Best felt that there was not enough precedent for concern at this point.

Council agreed, and no action was taken.

10C) Appointments of Council Liaisons to Advisory Boards

Mayor Bain asked Council to review the list of the advisory board liaisons for their respective groups and to make any comments or changes.

Councilman Lob commented that he would agree to be the liaison to the Civil Service Board; however, he is also interested in the Education Advisory Board and the Recreation Commission.

Attorney Seiden explained that the Civil Service Board did not require much work because they only meet when there are litigation matters; they have not met in years because of the excellent Human Resources Department the City has.

Vice Mayor Best expressed his desire to continue serving as the liaison to the Recreation Commission.

Councilwoman Ator agreed to serve as liaison to the Board of Parks and Parkways and she would also like to serve on the Architectural Review Board.

City Attorney Seiden clarified for Councilwoman Ator that the Council liaison appointments could be switched at any time.

After further discussion, Council members decided on the following liaisons:

1. Board of Adjustment/Zoning and Planning Board	Councilman Espino	Group 2
2. Architectural Review Board	Councilwoman Ator	Group 4
3. Civil Service Board	Councilman Lob	Group 3
4. Code Enforcement Board	Councilwoman Ator	Group 4
5. Code Review Board	Councilman Lob	Group 3
6. Disability Advisory Board	Vice Mayor Best	Group 1
7. Ecology Board	Vice Mayor Best	Group 1
8. Education Advisory Board	Councilman Lob	Group 3
9. Golf and Country Club Advisory Board	Councilman Espino	Group 2
10. Historic Preservation Board	Councilman Espino	Group 2
11. Board of Parks and Parkways	Councilwoman Ator	Group 4
12. Recreation Commission	Vice Mayor Best	Group 1

10D) Recommendation that Council Approve an Expenditure of \$48.75 per Hour Regular Time and \$56.00 per Hour Overtime Rate, to Computer Electric, Inc., Utilizing City of Miami Springs Bid No. 04-08/09, as provided in Section 31.11 (E) (1) and (2) of the City Code, on an “As Needed” Basis

Assistant City Manager Gorland stated that this item is a recommendation that Council approve an expenditure of \$48.75 per hour regular time and \$56.00 for overtime to Computer Electric, Inc., for Bid # 04-08/09, as provided in Section 31.11 (E) (1) and (2) of the City Code on an “as needed” basis to the lowest responsible bidder.

Assistant City Manager Gorland explained the service was put out to bid because Council had extended the previous contract twice. There was previously an in-house electrician and approximately three years ago a recommendation was made to outsource the work, which benefits the City. He knows from his experience in working with Computer Electric that they provide excellent service.

Public Works Operations Superintendent Tom Nash confirmed that Computer Electric had been very reliable and they have an extremely fast response time when generators fail or there are technical issues regarding electrical outlets, lighting, or air conditioning. There have been no issues with the quality of their work and he recommends that they continue doing business with the City.

Mayor Bain commented that during the Cancer Relay for Life there was a problem and Computer Electric responded immediately after the City Manager was notified.

Assistant City Manager Gorland stated that the owner lives in the City and they are able to respond 24 hours a day, seven days a week.

To answer Vice Mayor Best's question, Mr. Nash stated that he did not know how much overtime work had been utilized.

Councilman Lob asked what the current cost for this service is.

Mr. Nash responded that he did not know the total annual cost of the service. Basically, they respond as needed. The current hourly rate is the same.

Vice Mayor Best clarified that he would like to have the figures on the number of regular and overtime hours.

Councilwoman Ator asked what constitutes overtime.

Assistant City Manager Gorland replied that a normal day is based on an eight hour schedule and overtime is paid for calls later in the day or at night. He offered to provide the information showing what was paid to Computer Electric during the last two years and when the overtime rate was charged.

Vice Mayor Best moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10E) Recommendation that Council Approve an Expenditure of \$64,911.64, to Nortrax, Utilizing Florida Sheriffs Association County Contract # 08-16-0908, as Provided in Section 31.11 (E) (5) of the City Code

Assistant City Manager Gorland stated that this item is a recommendation to approve an expenditure of \$64,911.64 to Nortrax for a Deere 310 Backhoe landscape loader. This piece of equipment is not actually a backhoe but has attachments that are needed for the type of landscape work that the City has. Operations Superintendent Tom Nash is available to answer any questions Council might have.

Mr. Nash explained that the piece of equipment that they normally use for these functions was running into high maintenance issues that went beyond its mechanical life span, and it was sent to auction the previous Saturday. They were able to purchase this piece of equipment through the Citizens Independent Transportation Trust (CITT) funds. This is a vital piece of equipment to the Sanitation Department, serving as a back-up when the cranes are out of service. The loader bucket is used to grab the bulk waste in the alleys, in addition to being used in road projects and storm cleanup. The funds are available through the CITT, and they have been pre-approved.

In response to Vice Mayor Best's question, Mr. Nash clarified that this was a totally separate piece of equipment, and not affected by the recall on the grapple crane. One crane was repaired a couple of weeks ago and the other is on a recall. A mobile unit is being sent to perform a sonogram to check its structural integrity and then the information on repair will be provided. The equipment is under warranty by Peterson, the manufacturer of that crane.

In response to Councilwoman Ator's question, Mr. Nash replied that the City does have one of these pieces of equipment, but it is not in the best of condition. The City is currently using it, but if it fails they will be down to one crane.

Mayor Bain said he would have liked to have seen the reports on the maintenance records.

Mr. Nash noted that that piece of equipment was purchased in 1999 for \$37,000 and the amount of for repairs to date is \$28,000. The condition of the transmission and radiator is what made the decision to take it out of service because a new transmission is \$4,500 and the radiator is \$1,000 to repair.

Mayor Bain was glad that Mr. Nash had the information available. He asked if the County contract #08-16-0908 referred to the CITT account and Assistant City Manager Gorland confirmed the account number was correct.

Councilman Lob moved the item. Councilwoman Ator seconded the motion which was carried 5-0 on roll call vote.

Mayor Bain asked that in the future Council be provided all the pertinent information regarding expenditures on which they are asked to make decisions.

10F) Recommendation that Council Ask the Board of Parks and Parkways to Review Removable Species of Trees

Assistant City Manager Gorland stated that this is a request for changes to the tree ordinance, specifically trimming standards. The memo from the City Manager outlines the concerns over the Codes and how they are enforced. Several residents have been cited and may have fines pending regarding tree pruning, and they are asking the Administration to consider changes to the ordinances.

Assistant City Manager Gorland explained that there are two areas of concern. The first is that several species of trees should be added to the "nuisance tree category" as noted in Code Section 54-06 (B) (5), and the Board is compiling a list of these trees. The second concern is that Code Section 54-05 (E) declares a tree legally "dead" (technically referred to as "rendering the tree nonviable" and "effectively destroyed") if it has been "hat racked" or severely pruned. Many of these trees have come back after a year or two and the untrained eye could not discern prior improper cutting based on the trees current condition.

Assistant City Manager Gorland stated that while the Administration recognizes the importance of the tree ordinance and does not favor indiscriminate tree cutting, it believes the spirit of the ordinance would not be harmed if the City were to institute a system whereby any resident that is fined for improper pruning under the terms of Section 54-05 (E) could be refunded if after one year the tree has regained some resemblance of its former self.

Mr. Gorland said that the current policy states that any tree, once hat raked and declared non-viable it should be removed. If a tree has re-grown to a significant extent it is better than having no tree at all. At that point a refund may be in order. The recommendation is for Council to refer the matter to the Board of Parks and Parkways for further discussion and review.

Councilwoman Ator agreed with the recommendation to refer the item to the Board of Parks and Parkways. She thought it would be difficult to determine when a refund might be in order, and she would like the Board's opinion.

Assistant City Manager Gorland replied that the City would ask its Arborist Tom Nash to perform the review and be able to make the decision.

Councilman Lob noted that he was not in favor of hat racking, but he had seen trees that came back after the procedure.

Mayor Bain stated that a resident had approached him regarding the five oak trees that are going to be removed around the new Community Center, asking if they could be relocated to the resident's home.

In response to Assistant City Manager Gorland's question, Mayor Bain said that he was not sure if the resident wanted the City to transplant the trees, but he wanted to see them saved if at all possible.

Assistant City Manager Gorland explained that there are no plans for those trees at the moment; the Administration had looked into moving them to another location like the golf course. The quotes to remove the trees are higher than the purchase price of new trees of a similar size. In addition, for transplanting, the root balls should have been cut and prepared four or five months ago, so the likelihood of the trees surviving relocation is low.

Mayor Bain said he would speak to the resident, and Assistant City Manager Gorland said he would follow up on his end.

Councilman Lob moved to refer the item to the Board of Parks and Parkways. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

10G) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Eighth Amendment to the FY2008-2009 Budget; Providing for an Increase in the Finance Department Budget, by an “Interfund Transfers-In” Increase, Within the City’s General Fund Budget; Finding the Appropriateness of the Budgetary Amendment Set Forth Herein; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that the resolution covers the accounting procedure for the full-time cashier for the remainder of the fiscal year in the Finance Department, which Council approved at the last meeting.

Vice Mayor Best moved to adopt the resolution. Councilwoman Ator seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2009-3443).

10H) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Golf Director Mike Aldridge explained that the winter rates extend through April 15th and the summer rates would go into effect through mid November. The proposed summer rates are the same as last year.

Vice Mayor Best asked Mr. Aldridge if he felt the revenue flow would take care of itself.

Mr. Aldridge responded that last year a senior weekday rate was established, which was very popular and this rate is competitive with the “Premier Card” that is a discount used to promote other golf courses.

Councilman Lob moved to adopt the resolution. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2009-3444).

11. Other Business:

11A) Presentation of Fiscal Year 2008-2009 Second Quarter Financial Statements

Finance Director Leacroft E. Robinson distributed copies of a PowerPoint presentation outlining the second quarter budget status report for Fiscal Year 2008. He explained that the projections are based on the numbers through the second quarter and the first page compares the amended budget with the numbers that are expected at the end of the fiscal year.

This time last year a recommendation was made as far as what the Administration thought the expenditures would be for the entire year, and this has been delayed this year, according to Mr. Robinson. Meetings are scheduled for the next two weeks with Department Directors and after those meetings he will be able to present the expenditure projections.

Finance Director Robinson stated that due to the economic condition and the impact on the intergovernmental revenues as well as investment income and building revenue, he is projecting a variance of \$194,598 less in revenue for this fiscal year. Expenditures are currently at 45% at mid-year and he projects to stay on budget for the remainder of the year.

Assistant City Manager Gorland explained that the purpose of the departmental meetings is to ensure that expenditures are in line and to remain on budget at the end of the year.

Total Intergovernmental revenues are projected to be \$111,861 less due to the decline in sales tax revenue throughout the State, according to Mr. Robinson. The projection for the ½ cent sales tax is a reduction of \$69,305. Investment income is also projected to be \$92,607 less than was originally budgeted, including approximately \$37,000 in additional “write down” that was taken on the balance of the State Board of Administration (SBA) funds in the State investment pool.

To answer Vice Mayor Best’s question, Finance Director Robinson stated that only a few thousand dollars had been recovered from Fund “B” in the SBA investment pool. The fund balance is currently \$209,000, but the “write down” is close to \$89,000, which increased from \$44,000 since the end of last year. Due to the economy, investment income is way below what was projected when the budget was adopted.

Building permit revenues are projected to be \$157,600 less than the budgeted amount. Overall, the number of permits is in line with last year, but the amounts are much less, according to Mr. Robinson.

Assistant City Manager Gorland confirmed that the permit activity is the same as previous years, but the fees are less due to the fact that there is more remodeling and less new construction. He said that other communities are experiencing a reduction of 30 to 40% for permit revenues compared to a reduction of 20 to 30% for Miami Springs.

Finance Director Robinson stated that General Government expenditures are at \$1,299,646 year to date, which is below 50% of the overall budget for the year. Public Safety is \$2,732,921 or 46% of budget; Public Works is at \$869,686 versus a full year budget of \$2,044,886. He noted that there are some significant variances for Public Works and Parks and Recreation because of seasonality, which means that there will be more expenditures during the second half of the year.

Assistant City Manager Gorland clarified that approximately half of the Recreation Department expenditures occur within a ten week period during the summer due to the various programs.

Finance Director Robinson explained that transfers out total \$236,756. These are funds that support the Special Revenue Funds, including Golf and the Senior Center. He reiterated that General Fund expenditures are at 45% of total budget at mid year. If the expenditures were to remain 5% less for the remainder of the year, the overall reduction would be more than \$600,000, which would more than offset the revenue reductions.

Special Revenue Funds include the Senior Center, Golf Course, Road and Transportation, Law Enforcement Trust (LETf), Capital and the Hurricane funds, according to Mr. Robinson. He explained that the chart showing the comparison of revenues versus expenditures indicates the excess or deficit amounts for each fund. Deficits will be funded through General Fund transfers to support the funds. In the case of the LETf, Road and Transportation, Capital and Hurricane funds they will be supported from the General Fund balance within those funds.

Finance Director Robinson commented that the Golf Course projection is a positive \$11,675 and was expected to reflect a loss at this point in the budget. This is partly due to the hold on expenditures and purchase of equipment.

Assistant City Manager Gorland attributed the turn around in the Golf operation to the efforts of Golf Director Mike Aldridge and Superintendent Sandy Pell.

Finance Director Robinson explained that the transfer to the General Fund within the Water and Sewer fund was anticipated and the deficit of \$90,574 will not be a recurring loss once final expenditures are eliminated within the fund. Sanitation is a positive \$139,380, which is well ahead of last year; Stormwater reflects a deficit of \$76,679, with a total change in net assets of a negative \$27,873 for all funds.

Councilwoman Ator asked if it would be possible to add a “year to date” column on the chart.

Finance Director Robinson agreed he could expand on anything that would make the information easier to understand.

Mayor Bain added that he would like a copy of the PowerPoint presentation in the agenda packet.

Councilman Lob stated that he would like the charts to show the percentage of change.

Finance Director Robinson explained that page 4 of his memorandum included the percentage of budget and he would also include a percentage of change from the prior year as suggested by Councilman Lob.

To answer Councilwoman Ator’s question, Finance Director Robinson explained that the column showing the percentage of budget is based on the year to date numbers versus the annual budget.

11B) Presentation of Fiscal Year 2008-2009 Golf Course Financial Statements

Finance Director Leacroft E. Robinson stated that he sees the report as an analysis of the actual numbers versus the budget. Since Golf Director Aldridge and Superintendent Pell are responsible for the business operations they will be able to answer specific questions.

Finance Director Robinson said that total revenues as of March 31, 2009 were \$751,491 compared to \$770,011 for the same period last year or a decrease of 2.4% and a 3.6% increase over 2007. Operating profits total \$114,787 compared to \$103,243 for last year or an 11.2% increase and a decrease of 4.9% over 2007.

Finance Director Robinson explained that the difference between the Operating Profit (Loss) column and the Profit (Loss) including non-golf costs column is related to debt service and capital expenditures. The profit for non-golf costs totals \$73,787 compared to \$11,045 for prior year, which includes transfers from the General Fund totaling approximately \$62,000 as of March 31st. There were no transfers for 2008 as of the second quarter so this means that the numbers are very close.

Pro Shop costs total \$263,764 compared to \$272,413 last year, which is a 3.2% reduction due to the hold on certain expenditures and salaries, according to Mr. Robinson. Maintenance costs total \$372,940 versus \$394,355 last year, or a reduction of 5.4%. Total rounds played were 24,411 versus 23,680 last year, or a 3.1% increase and a 6.2% increase over 2007.

Assistant City Manager Gorland commented that the increase in rounds played is extraordinary in view of what is happening at other golf courses in the community.

Finance Director Robinson reported that total greens revenue is \$654,369 compared to \$678,723 last year or a reduction of 3.6% and an increase over 2007 of 5.1%. The average round played is \$26.81 versus \$28.66 for last year, which is a decline of 6.5% partly due to the senior weekday rate that was instituted in the second quarter last year. Revenue for memberships is down to \$93,300 versus \$110,595 for last year, but overall a 5.7% increase over 2007. Driving range revenues total \$58,943 versus \$63,351 or a 7% decline from last year and 8.2% decline from 2007.

Mayor Bain asked Superintendent Pell how she felt about changes that were made in maintenance and use of chemicals for the greens. He commented that he had been playing golf lately and noticed the difference.

Superintendent Pell commented that she is using less expensive soluble fertilizers that are mixed by staff instead of granular fertilizers. She said that the turf is holding up and the maintenance program had not been changed on the greens. Most of the changes were made on the tees and fairways.

To answer the Mayor's question, Ms. Pell explained that verti-cutting would be performed this week with an application of a heavy top dressing. The greens have been suffering due to the extreme temperatures and overall compaction from excessive play during the winter. She said that it would take four to six weeks to get back to normal.

Councilman Lob asked what contributed to the drop in membership fees.

Golf Director Aldridge responded that the drop in membership fees is totally related to the economy because people would rather pay as they go and most were Miami Springs' residents.

Mayor Bain was concerned that there were more rounds played, yet the total revenue is less.

Mr. Aldridge attributed the drop in revenue to the senior rate during the week, which is approximately \$14.00 less, and there were more Canadian players who chose to walk. The average round includes the memberships, which went down.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Congratulations

Assistant City Manager Ronald K. Gorland congratulated City Manager Borgmann, his wife Karen and their daughter Storie on her graduation from Florida International University with a Bachelor's Degree. She will continue working to earn her Master's Degree.

Traffic Calming on the Circle

Assistant City Manager Gorland reported that a meeting was held with County representatives regarding the traffic flow on the Circle, which brought up several serious issues. The County will come back to the City with a revised plan.

Springs River Festival

Assistant City Manager Gorland congratulated Barbra Marr and the Springs River Festival Committee for a very well attended event on April 17, 18 and 19, 2009.

Senior Center Renovations

Assistant City Manager Gorland stated that work had commenced on the Senior Center renovations and hopefully the project will be completed within six weeks before the Recreation Summer Camp Program begins.

Community Center

Assistant City Manager Gorland announced that surface preparation work would begin this week on the new Community Center, including tree and asphalt removal. The site survey was completed and should be delivered by Post, Buckley, Schuh & Jernigan.

Commendation

Assistant City Manager Gorland read a letter dated April 24, 2009 from City Manager Borgmann to Chief of Police Pete Baan and the Police Department employees commending them for their work and preparations for the Springs River Festival that contributed to the success of the event.

12C) City Council

Utility Billing

Councilwoman Ator reported that she spoke with the City Manager about the quarterly utility billing and she is proposing to provide an option for the citizens to pay monthly if they agree to receive and pay their bills on line. Since the notices will go out soon she would like to have a plan in place in order to be able to address the feedback from the residents.

Education Grants

Councilwoman Ator said that a member of the Education Advisory Board mentioned that Miami-Dade County Schools would like funding from the City for one of the schools. She asked for the Grant Writer to find out if the City can apply for any education related grants to fund local school programs.

Thank You

Councilwoman Ator thanked the residents who sent her congratulations and wished her well on her recent election to office. She was pleasantly surprised and the comments are very much appreciated.

Thank You

Councilwoman Ator thanked the Police Department for allowing her to ride with them on patrol, which was a very interesting learning experience. While on patrol they responded to an alarm, looked for truant students, and found a missing person with the help of the detectives and another jurisdiction. She commended the Police for doing an excellent job.

Thank You

Councilman Lob thanked everyone for a good meeting.

Speeding

Councilman Espino received one complaint from a resident about a Public Works truck speeding in the alley.

Golf Tournament

Councilman Espino reported that the Hialeah-Miami Springs Rotary Club Golf Tournament was a success with 104 golfers.

Marlins' Game

Councilman Espino stated that he went with the Little League players and coaches to the Marlins' baseball game on Sunday. He appreciated the invitation and everyone had a good time.

Appreciation

Councilman Espino said that he appreciated everyone's efforts at the Special Meeting on April 22nd. He felt that Council did a tremendous job and he looks forward to scheduling more workshops in the very near future.

Springs River Festival

Vice Mayor Best stated that the Springs River Festival was probably the best one that he could remember for a long time. He commended the Festival Committee, the Police Department and Public Works for an event that was a joy to experience.

Memorial Service

Vice Mayor Best announced that the memorial service for Kenny Dayberry was held on Friday, April 25th at the Miami Springs Golf and Country Club thanks to Carlos Santana who provided a room. He said that although Mr. Dayberry had no family, many friends attended and Reverend Lahmeyer from the Miami Springs First Presbyterian Church said a few words.

Commendation

Mayor Bain commended Vice Mayor Best for his actions in organizing the memorial service for Kenny Dayberry. He said that it was a nice service with almost sixty-five people in attendance.

Thank You

Mayor Bain thanked Hialeah Mayor Julio Robaina and his staff for their quick response in cleaning the graffiti on the wall across the bridge.

Goals and Objectives

Mayor Bain stated that Council outlined the four major goals and objectives at the April 22nd Special Meeting. He would like the Administration to come back with a report on the first objective before the next meeting, whether it is Downtown Revitalization, or another project that they are prepared to address. He knows that the tree ordinance is being addressed by the Board of Parks and Parkways and he would like to move forward with the other objectives.

Compliment

Mayor Bain complimented Council for a great meeting.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:11 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 5/11/2009.

Transcription assistance provided by S. Hitaffer and M. Newton.